

Studien 262-KGB
Zi/D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : WILLIAM F. MAIER
SERIAL NO. : 09/254,525
FILED : March 8, 1999
FOR : USE OF MICROPOROUS INORGANIC MEMBRANE
CATALYSTS
ART UNIT : 1754
EXAMINER : S. Hendrickson

February 19, 2003

Hon. Commissioner of Patents
Box DAC
Washington, D.C. 20231

DECLARATION OF Nanci Manfredi

SIR:

I, Nanci Manfredi, hereby declare as follows:

1. For more than 20 years, I have been the docket clerk for Sprung Horn Kramer & Woods, which later became Sprung Kramer Schaefer & Briscoe, which later merged into Norris McLaughlin & Marcus.
2. U.S. Serial No. 09/254,525 corresponds to our internal docket number Studien 262-KGB.
3. Incoming mail from the Patent Office, including that associated with our Studien 262-KGB, would have, during the time frame August 10, 2001, to February 10,

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2002, have been handled and docketed by me in two places, first on the docket card for the individual application and second on the docket report for all responses due on a given date.

4. On information and belief, in connection with our Studien 262-KGB, an Office Action was mailed from the Patent Office on August 10, 2001, which set a three month shortened statutory period for response set to expire on November 10, 2001. If such Office Action had been received in our offices, it would have been handled and docketed by me. I would have listed the Office Action and the due date on the docket card, and I would also have listed the Office Action and the due date on the docket report for November 10, 2001. Neither the docket card for Studien 262, nor the docket report for November 10, 2001, contains a notion of a response due for this application for November 10, 2001. Consequently, the Office Action was never received in our offices.

5. The docket report for November 10, 2001, shows that Office Actions requiring responses on November 10, 2001, were received in connection with nine different applications. Consequently, unlike the docket card, which relates to an individual application, the docket report is not limited to a particular application, and lists all applications for which incoming mail has been received requiring a response on the date of the docket report. If the Office Action mailed on August 10, 2001, in connection with Studien 262-KGB had been received in our offices, it would have been listed on the docket report for November 10, 2001. The fact that it was not listed on the docket report for November 10, 2001, confirms that the Office Action was not received in our offices.

6. I have checked all of the docket reports from August 10, 2001, through

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February 10, 2002, and the Office Action at issue is not listed on any of these docket reports, again, confirming that the Office Action mailed August 10, 2001, was not received in our offices.

7. Other than the docket cards and the docket reports, there are no other records where the nonreceived Office Action would have been entered had it been received in our offices. Therefore, again, no Office Action was ever received in our offices in connection with Studien 262-KGB having a due date of November 10, 2001.

8. The undersigned further declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and that the foregoing statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 19, 2003

By


Nanci Manfredi